

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE HERALD, PRIMEO AND THEMA
FUNDS SECURITIES LITIGATION

This document relates to: All actions.

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) File No:
) 09 Civ. 0289 (RMB) (HBP)
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**DECLARATION OF S. DOUGLAS BUNCH IN SUPPORT OF
LEAD PLAINTIFFS' MEMORANDUM OF LAW IN OPPOSITION TO DEFENDANTS'
JOINT MOTION TO DISMISS AND IN FURTHER SUPPORT OF PLAINTIFFS'
MOTION FOR LEAVE TO AMEND**

I, S. Douglas Bunch, hereby declare the following under penalty of perjury:

1. I am an attorney admitted to practice in this District and counsel for Lead Plaintiff Dr. Shmuel Cabilly, Plaintiff Korea Exchange Bank, and the Class. I am submitting this declaration in support of Lead Plaintiffs' memorandum of law in opposition to Defendants' joint motion to dismiss and in further support of Plaintiffs' motion for leave to amend.

2. Attached hereto are true and correct copies of the following documents:

- Exhibit A: Brief for the Attorney General of the State of New York as *Amicus Curiae* in *Barron v. Igolnikov*, No. 10-1387-cv (2d Cir. Aug. 13, 2010);
- Exhibit B: The Rico Statement from *Picard v. Kohn*, Adv. Pro. No. 10-05411 (Bankr. S.D.N.Y. Dec. 10, 2010); and
- Exhibit C: Proposed Second Amended Complaint, attached as Exhibit 1 to the Declaration of Timothy S. Pfeifer in Support of the Trustee's Opposition to the Motions to Dismiss (Dkt. No. 54-1) in *Picard v. Kohn*, No. 11-cv-01181 (S.D.N.Y. Aug. 29, 2011).

The foregoing is true to the best of my knowledge.

Dated: September 30, 2011

/s/ S. Douglas Bunch
S. Douglas Bunch